

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

C.W.P. No.792 of 2006

Date of Decision: 6.2.2007.

Jatinder Pal

....Petitioner.

Versus

The State of Punjab and others.

...Respondents.

CORAM : Hon'ble Mr. Justice J.S.Khehar.
Hon'ble Mr. Justice S.D.Anand.

Present:- Mr.R.K.Arora,Advocate
for the petitioner.

Mr.B.S.Chahal, Assistant Advocate General Punjab,
for respondents No.1 to 5.

Mr.Ajay Pal Singh,Advocate,
for respondent No.7.

J.S.KHEHAR, J.(ORAL)

Learned counsel for the petitioner has invited our attention to the instructions for appointments of Anganwari Workers and Helpers (Annexure P-2). On the basis of the aforesaid instructions and while relying on paragraph-3 thereof, learned counsel for the petitioner vehemently contends that an Anganiwari Worker has to be selected from a person who resides in the village to which such appointment has to be made.

In order to authenticate the petitioners assertion about the ineligibility of respondent No.7, who has been selected and appointed as Anganwari Worker in village Ratolan, learned counsel for the petitioner has relied on a number of annexures appended to the writ petition in order to

controvert the claim made by respondent No.7 and to show that he is not the resident of village Ratolan. Learned counsel for respondent No.7 has also, in rebuttal, invited our attention to various documents appended to the separate written statement filed on behalf of respondent No.7, to show that respondent No.7 was factually a resident of village Ratolan.

Having perused the documents relied upon by learned Counsel for the petitioner, as well as, those relied upon by learned counsel for the respondents, we are of the view, that no final determination can be rendered by this Court on the issue in hand. Since the basis of the controversy which will lead to adjudication of the claim advanced on behalf of the petitioner, is based on disputed questions of facts, we are of the view that it will be appropriate for the petitioner to seek the redressal of her grievance, before an appropriate Civil Court of competent jurisdiction. Accordingly, without recording any final determination on the issue of residence of respondent No.7, we relegate the petitioner to her remedy before a Civil Court, if the petitioner, being so advised, in accordance with law.

(J.S.KHEHAR)
JUDGE

(S.D.ANAND)
JUDGE

February 6 ,2007.
Reema